

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re:

919 PROSPECT AVE LLC,

Chapter 11

Debtor.

Case No. 16-13569 (SCC)

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ORDER

Upon the Motion of the City of New York and Its Agencies dated January 18, 2017, and the exhibits annexed thereto, for an Order declaring the automatic stay set forth in 11 U.S.C. § 362(a) inapplicable to and/or lifting the automatic stay pursuant to the governmental unit's police power exception to the automatic stay set forth in 11 U.S.C. § 362(b)(4) with respect to the housing court litigation commenced pre-petition by the New York City Department of Housing Preservation and Development ("HPD") against the Debtor and its principal Seth Miller (the "Housing Court Litigation"); and an Order to Show Cause having been issued on January 19, 2017 scheduling HPD's Motion for a hearing on January 25, 2017; and adequate and sufficient notice thereof having been provided, as required by the Order to Show Cause; and 919 Prospect Ave LLC (the "Debtor") having responded to the Order to Show Cause and having conceded in its response that it had no objection to HPD's continuation of the Housing Court Litigation against the Debtor and Seth Miller and that the automatic stay is not applicable to HPD's continuation of its Housing Court Litigation pursuant to the governmental unit's police power exception to the automatic stay set forth in 11 U.S.C. § 362(b)(4); and the Motion and Debtor's response thereto having been heard at the hearing on January 25, 2017, and

Debtor, represented by counsel, having confirmed on the record that HPD was authorized to proceed with the Housing Court Litigation, it is hereby

ORDERED, that the automatic stay is not applicable to HPD's continuation of its Housing Court Litigation pursuant to the governmental unit's police power exception to the automatic stay set forth in 11 U.S.C. § 362(b)(4), which litigation can proceed as scheduled.

Dated: January 26, 2017
New York, New York

/S/ Shelley C. Chapman
HONORABLE SHELLEY C. CHAPMAN
UNITED STATES BANKRUPTCY JUDGE